

The claimant did not file a brief with the Appeals Board nor did claimant file a submission letter with the Administrative Law Judge. Thus, the Appeals Board has only the claimant's Application for Review by which to determine the issues the claimant raises on appeal from the Award of the Administrative Law Judge. The Application for Review provides:

"The specific issues the Claimant wishes to raise on appeal are:

1. Whether Claimant's back injury arose out of and in the course of her employment.
2. Nature and extent of disability."

The May 17, 1995 Award by the Administrative Law Judge lists the issues as follows:

- "1. Whether claimant suffered personal injury on the date of the alleged accident.
2. Whether the claimant's alleged accidental injuries arose out of and in the course of her employment with the respondent.
3. Nature and extent of claimant's disability, if any.
4. Whether claimant is entitled to medical, unauthorized and future."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, together with the briefs on file, the Appeals Board finds:

The Administrative Law Judge found claimant entitled to a fourteen percent (14%) permanent partial disability award based upon a scheduled injury to her left lower leg. Claimant appeals that finding of the Administrative Law Judge and requests the Appeals Board find that the claimant has sustained her burden of proving permanent partial disability to the body as a whole based upon an additional injury to the back resulting in permanent impairment.

The May 17, 1995 Award by the Administrative Law Judge should be affirmed. The Award of the Administrative Law Judge sets out his findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. Having reviewed the entire record, the Appeals Board finds his findings and conclusions as enumerated in the Award to be accurate, appropriate and adopt same as its own findings and conclusions as if specifically set forth herein. Specifically, the Appeals Board agrees that claimant has sustained her burden of proof that the left ankle injury arose out of and in the course of her employment and that the accidental injury of March 30, 1992 did serve to aggravate her pre-existing left ankle condition. The claimant has not met her burden of proving that she sustained injury to her back as a result of that March 30, 1992 accident. That conclusion having been reached, the finding of a fourteen percent (14%) functional impairment to the left lower extremity is affirmed. The Appeals Board adopts the analysis of the Administrative Law Judge regarding the nature and extent of claimant's disability. Claimant should be awarded future medical treatment only upon proper application to the Director.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated May 17, 1995, should be, and is hereby, affirmed in all respects, and the orders contained in said Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of October, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dennis L. Phelps, Wichita, Kansas
 Alexander B. Mitchell, II, Wichita, Kansas
 D. Steven Marsh, Wichita, Kansas
 John D. Clark, Administrative Law Judge
 Philip S. Harness, Director